

Exhibit A

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSJOAN CHARLES,
Plaintiff,

v.

OCWEN FEDERAL BANK FSB;
OCWEN FINANCIAL CORPORATION;
MASSACHUSETTS PROPERTY
INSURANCE UNDERWRITERS
ASSOCIATION; and ONE CALL
INSURANCE AGENCY,
INCORPORATED,
Defendants.

CIVIL ACTION NO. 04-11625-RWZ

**AFFIDAVIT IN SUPPORT OF ASSENTED-TO
MOTION TO EXTEND DEADLINES**

I, Richard C. Demerle, do hereby depose and state as follows:

1. I am employed as an associate by Michienzie & Sawin, LLC, counsel for defendants Ocwen Loan Servicing, LLC, successor-in-interest to Ocwen Federal Bank, FSB and Ocwen Financial Corporation ("Defendants"). I make this affidavit on personal knowledge and in support of the Assented-to Motion to Extend Deadlines.
2. On May 12, 2006, I served the Plaintiff, through her counsel, with *First Interrogatories to Plaintiff Joan Charles* and with *First Request for Production of Documents to Plaintiff Joan Charles* (the "Discovery Requests").
3. A true and accurate copy of this Court's scheduling order, issued on May 22, 2006, is attached as Exhibit 1.
4. A true and accurate copy of the motion for partial summary judgment, filed by plaintiff Joan Charles (the "Plaintiff") on June 1, 2006, is attached as Exhibit 2.

5. On June 12, 2006, I served on counsel for the Plaintiff a notice to take the deposition of the Plaintiff on Monday, June 19, 2006. A true and accurate copy of the notice of taking deposition is attached as Exhibit 3.
6. The Plaintiff failed to respond to the Discovery Requests by the June 14, 2006 deadline. Further, the Plaintiff failed to respond to the Discovery Requests by Friday, June 16, 2006, the last business day before the scheduled deposition.
7. Not having the necessary discovery responses to conduct the deposition of the Plaintiff, I cancelled the deposition and filed a *Motion to Extend Deadlines*. A true and accurate copy of the motion is attached as Exhibit 3.
8. This Court granted that motion on June 19, 2006, extending all relevant deadlines by two (2) weeks but leaving in place the hearing scheduled for August 8, 2006 on the cross-motions for summary judgment. A true and accurate copy of the Court's electronic docket, reflecting the endorsement order, is attached as Exhibit 4.
9. On June 22, 2006, Ocwen, through its counsel, noticed the deposition of the Plaintiff for the second time - this deposition scheduled for Friday, June 30, 2006. A true and accurate copy of the second deposition notice for the Plaintiff is attached as Exhibit 5. Ocwen noticed the deposition with the expectation that it would receive the Plaintiff's answers to Ocwen's Discovery Requests on or before Monday, June 26, 2006.
10. The Plaintiff had not provided her responses to Ocwen's Document Request as of June 29, 2006, the day before the scheduled deposition.
11. As a result, on June 29, 2006, Ocwen cancelled the deposition and again moved this Court to extend the relevant deadlines. A true and accurate copy of Ocwen's second motion to extend deadlines is attached as Exhibit 6.
12. On July 13, 2006, the Court granted the second motion to extend. *Exhibit 4*, entry dated July 13, 2006.
13. Ocwen attempted to take the Plaintiff's deposition by noticing a deposition for Thursday, July 27, 2006. A true and accurate copy of the deposition notice is attached as Exhibit 7. However, the Plaintiff and defendant One Call Insurance Agency, Inc. objected to the date as inconvenient.
14. Since the Court entered its order of July 13, 2006, counsel for the four (4) parties have not been able to find a mutually convenient deposition date that conforms to the current summary judgment schedule. The reasons for the

inability to schedule a deposition include (a) the departure of one of the attorneys -- Kerry Florio for One Call Insurance Agency, Inc. -- from the case, (b) previously scheduled hearings and trials for the remaining attorneys as well as (c) previously scheduled summer vacations.

15. After much discussion, all parties to the case agree that the first date for which they will all be available for the deposition of the Plaintiff is Wednesday, September 20, 2006.



Richard C. Demerle (BBO#652242)

Exhibit 1

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11625-RWZ

JOAN CHARLES

v.

OCWEN FEDERAL BANK, FSB,
MASSACHUSETTS PROPERTY INSURANCE UNDERWRITING ASSOC.,
and ONE CALL INSURANCE AGENCY

SCHEDULING ORDER

May 22, 2006

ZOBEL, D. J.

This matter having come before the court at a scheduling conference held pursuant to Rule 16, Fed. R. Civ. P., 28 U.S.C., and James E. Hoyt having appeared as counsel for plaintiff Joan Charles; and Richard C. Demerle, Michael W. Reilly, and William D. Chapman having appeared as counsel for defendants Ocwen Federal Bank, FSB, Massachusetts Property Insurance Underwriting Association, and One Call Insurance Agency, respectively, the following action was taken:

1. Plaintiff shall file her motion for summary judgment by June 1, 2006.
2. Defendants shall file their opposition and any cross-motions for summary judgment by June 22, 2006.
3. Plaintiff's opposition is due on July 13, 2006.
4. A reply of no more than five pages may be submitted no later than

July 27, 2006.

5. The court will hear the motions on August 8, 2006 at 2 p.m.

5/22/06
DATE

/s/ Rya W. Zobel
RYA W. ZOBEL
UNITED STATES DISTRICT JUDGE

Exhibit 2

~~FILED~~
 UNITED STATES DISTRICT COURT
 DISTRICT OF MASSACHUSETTS

Joan Charles,
Plaintiff,

v.

Ocwen Federal Bank, FSB;
Ocwen Financial Corporation;
Massachusetts Property Insurance
Underwriting Association and One Call
Insurance Agency, Inc.
Defendants.

2006 JUN - 1 P 4:00^{pm}

U.S. DISTRICT COURT
 DISTRICT OF MASS.

) C.A. No. 04-11625-RWZ

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**PLAINTIFF, JOAN CHARLES', MOTION FOR PARTIAL SUMMARY JUDGMENT
 AGAINST OCWEN LOAN SERVICING LLC**

NOW COMES the plaintiff in this action, Joan Charles (hereinafter "Plaintiff"), by and through her counsel, James Hoyt, Portnoy & Greene, P.C., and hereby moves this Court for the entry of partial Summary Judgment against defendant Ocwen Loan Servicing, LLC, successor to Ocwen Federal Bank, FSB, et al. (hereinafter "Ocwen") for liability only on Count I of Plaintiff's Amended Complaint and Jury Demand pursuant to Rule 56 of the Federal Rules of Civil Procedure.

In support thereof, Plaintiff incorporates her Memorandum of Facts and Law.

Plaintiff requests oral argument pursuant to Local Rule 7.1(D), as Plaintiff reasonably believes that such oral argument will assist the Court.

WHEREFORE, for those reasons outlined in Plaintiff's Supporting Memorandum of Facts and Law, Plaintiff should be granted summary judgment against Ocwen Loan Servicing, LLC. and requests oral argument on this matter.

Respectfully Submitted,
The Plaintiff,
Joan Charles,
By her Attorney,



James Hoyt (BBO # 644651)
Portnoy & Greene, P.C.
Attorney for Plaintiff
687 Highland Ave.
Needham, MA 02494
(781) 644-6050

Dated: June 1, 2006

CERTIFICATE OF SERVICE

I, James Hoyt, hereby certify that a copy of the forgoing Motion, together with its supporting memorandum of law and proposed order was served June 1, 2006 via first class mail postage prepaid to:

William B. Chapman
Melick, Porter & Shea, LLP
28 State Street
Boston, MA 02109-1775

Michael W. Reilly
Tommasino & Tommasino
2 Center Plaza
Boston, MA 02108

Paul Michienzie
Richard C. Demerle
Michienzie & Sawin, LLC
745 Boylston Street, 5th Floor
Boston, MA 02114



James Hoyt

Exhibit 3

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSJOAN CHARLES,
Plaintiff,

v.

OCWEN FEDERAL BANK FSB;
OCWEN FINANCIAL CORPORATION;
MASSACHUSETTS PROPERTY
INSURANCE UNDERWRITERS
ASSOCIATION; and ONE CALL
INSURANCE AGENCY,
INCORPORATED,
Defendants.

CIVIL ACTION NO. 04-11625-RWZ

NOTICE OF TAKING DEPOSITIONTO: James E. Hoyt
Portnoy and Green, P.C.
687 Highland Avenue
Needham, MA 02494

Please take note that at **10:00 a.m. on Monday, June 19, 2006**, Michienzie & Sawin, LLC, counsel for Ocwen Loan Servicing, LLC, successor-in-interest to Ocwen Federal Bank, FSB and counsel for Ocwen Financial Corporation will take the deposition upon oral examination of plaintiff Joan Charles at the offices of Michienzie & Sawin, LLC, 745 Boylston Street, Boston, Massachusetts 02116, pursuant to the Federal Rules of Civil Procedure for the United States District Courts, before a Notary Public of the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The oral examination will continue from day-to-day until completed.

You are invited to attend and cross-examine.

Respectfully submitted,

OCWEN LOAN SERVICING, LLC,
SUCCESSOR-IN-INTEREST TO OCWEN
FEDERAL BANK, FSB AND OCWEN
FINANCIAL CORPORATION,

By its attorneys,

MICHENZIE & SAWIN, LLC,

RC Demerle

Richard C. Demerle, Esq. (BBO#652242)
Paul Michienzie, Esq. (BBO#548701)
745 Boylston Street
Boston, MA 02116-2636
(617) 227-5660

DATE: June 12, 2006

CERTIFICATE OF SERVICE

I, Richard C. Demerle, attorney for defendant, hereby certify that I have on this 12th day of June 2006, served a copy of the foregoing document, by facsimile and by first-class mail, postage prepaid, to all counsel of record.



Richard C. Demerle

Exhibit 4

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:04-cv-11625-RWZ**

Charles v. Ocwen Federal Bank, FSB et al
Assigned to: Judge Rya W. Zobel
Cause: 28:1332 Diversity-Insurance Contract

Date Filed: 07/21/2004
Jury Demand: Both
Nature of Suit: 110 Insurance
Jurisdiction: Federal Question

Plaintiff

Joan Charles

represented by **James E. Hoyt**
Portnoy and Green, P.C.
Suite 130
687 Highland Ave.
Needham, MA 02494
781-444-8888
Fax: 781-444-3393
Email: jhoyt@portnoygreen.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Ocwen Federal Bank, FSB

represented by **Richard C. Demerle**
Michienzie & Sawin, LLC
745 Boylston Street
Boston, MA 02116
617-227-5660
Fax: 617-227-5882
Email: RD@masatlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul Michienzie
Michienzie & Sawin, LLC
745 Boylston Street
Boston, MA 02116-2636
617-227-5660
Fax: 617-227-5882
Email: pm@masatlaw.com
ATTORNEY TO BE NOTICED

Defendant

Ocwen Financial Corporation Inc.

represented by **Paul Michienzie**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**Massachusetts Property Insurance
Underwriting Association**

represented by **Michael W. Reilly**
Tommasino & Tommasino
Two Center Plaza
8th Floor
Boston, MA 02108
617-723-1720
Fax: 617-557-5677
Email: mwr@tommasino.com
ATTORNEY TO BE NOTICED

Defendant

One Call Insurance Agency

represented by **William D. Chapman**
Melick, Porter & Shea, LLP
22nd Floor
28 State Street
Boston, MA 02109-1775
617-523-6200
Fax: 617-523-8130
Email: wchapman@melicklaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kerry D. Florio
Melick, Porter & Shea, LLP
28 State Street
22nd Floor
Boston, MA 02109-1775
617-523-6200
Fax: 617-523-8130
Email: kflorio@melicklaw.com
ATTORNEY TO BE NOTICED

Cross Claimant

Ocwen Federal Bank, FSB

represented by **David P. Russman**
The Russman Law Firm
33 Bellevue St.
Suite One
Boston, MA 02125
617-282-5300
Fax: 617-282-5301
Email: drussman@russmanlawfirm.com

TERMINATED: 12/23/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul Michienzie
Michienzie & Sawin, LLC
5th Floor

745 Boylston Street
Boston, MA 02116-2636
617-227-5660
Fax: 617-227-5882
Email: pm@masatlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Claimant

Ocwen Financial Corporation Inc.

represented by **David P. Russman**
(See above for address)
TERMINATED: 12/23/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul Michienzie
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Cross Defendant

**Massachusetts Property Insurance
Underwriting Association**

Cross Defendant

One Call Insurance Agency

represented by **William D. Chapman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kerry D. Florio
(See above for address)
ATTORNEY TO BE NOTICED

Cross Claimant

**Massachusetts Property Insurance
Underwriting Association**

represented by **Michael W. Reilly**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Cross Defendant

Ocwen Federal Bank, FSB

represented by **Paul Michienzie**
(See above for address)
ATTORNEY TO BE NOTICED

Cross Defendant

Ocwen Financial Corporation Inc.

Cross Defendant

**Massachusetts Property Insurance
Underwriting Association**

Cross Defendant

One Call Insurance Agency

represented by **William D. Chapman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kerry D. Florio
(See above for address)
ATTORNEY TO BE NOTICED

Cross Claimant

Ocwen Federal Bank, FSB

represented by **Paul Michienzie**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Cross Defendant

Ocwen Federal Bank, FSB

Cross Claimant

One Call Insurance Agency

represented by **Kerry D. Florio**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Cross Defendant

Ocwen Federal Bank, FSB

Cross Claimant

**Massachusetts Property Insurance
Underwriting Association**

represented by **Michael W. Reilly**
(See above for address)

V.

Cross Defendant

Ocwen Federal Bank, FSB

Cross Defendant

Ocwen Financial Corporation Inc.

Date Filed	#	Docket Text
07/13/2006		Judge Rya W. Zobel : endorsed ORDER entered granting <u>38</u> Motion for Extension of Time; 8/3/06 for opposition and cross motions; 8/24/06 for oppositions to cross motions; 8/31/06 for replies; Motion Hearing set for 9/13/2006 02:30 PM in Courtroom 12 before Judge Rya W. Zobel. (Urso, Lisa) (Entered: 07/13/2006)
06/29/2006	<u>39</u>	RESPONSE to Motion re <u>38</u> MOTION for Extension of Time to August 3, 2006 to Extend Deadlines <i>ASSENTING TO MOTION</i> filed by Joan Charles. (Hoyt, James) (Entered: 06/29/2006)
06/29/2006	<u>38</u>	MOTION for Extension of Time to August 3, 2006 to Extend Deadlines by Ocwen Federal Bank, FSB. (Attachments: # <u>1</u> Exhibit A)(Michienzie, Paul) (Entered: 06/29/2006)
06/20/2006		Notice of correction to docket made by Court staff. Correction: #34 Motion for extension of time corrected because: Attorney who files the document must sign the document. E-mail sent describing the fix. (Johnson, Jay) (Entered: 06/20/2006)
06/19/2006		Judge Rya W. Zobel : endorsed ORDER entered granting <u>34</u> Motion for Extension of Time, granting <u>35</u> Motion for Extension of Time, granting <u>37</u> Motion for Extension of Time. Deadlines extended 2 weeks; oppositions and cross motions 7/6/06; oppositions 7/27/06; reply 8/3/06; hearing remains on Aug. 8, 2006 at 2:00. (Urso, Lisa) (Entered: 06/20/2006)
06/19/2006	<u>37</u>	MOTION for Extension of Time to two weeks to extend deadlines by One Call Insurance Agency, One Call Insurance Agency, One Call Insurance Agency, One Call Insurance Agency.(Florio, Kerry) (Entered: 06/19/2006)
06/19/2006	<u>36</u>	Opposition re <u>34</u> MOTION for Extension of Time to Two weeks to Extend Deadlines, <u>35</u> MOTION for Extension of Time filed by Joan Charles. (Hoyt, James) (Entered: 06/19/2006)
06/19/2006	<u>35</u>	MOTION for Extension of Time by Massachusetts Property Insurance Underwriting Association.(Reilly, Michael) (Entered: 06/19/2006)
06/16/2006	<u>34</u>	MOTION for Extension of Time to Two weeks to Extend Deadlines by Ocwen Federal Bank, FSB.(Michienzie, Paul) (Entered: 06/16/2006)
06/01/2006	<u>33</u>	MEMORANDUM in Support re <u>32</u> MOTION for Partial Summary Judgment filed by Joan Charles. (Attachments: # <u>1</u> Exhibit A# <u>2</u> proposed order)(Johnson, Jay) (Entered: 06/02/2006)
06/01/2006	<u>32</u>	MOTION for Partial Summary Judgment by Joan Charles against Ocwen Loan Servicing LLC. (Attachments: # <u>1</u> ECF Mandatory Filing Notice) (Johnson, Jay) (Entered: 06/02/2006)
05/22/2006	<u>31</u>	Judge Rya W. Zobel : ORDER entered. SCHEDULING ORDER: Motions due by 6/1/2006; oppositions and any cross motions by 6/22/06; plaintiff's opposition 7/13/06; reply of no more than 5 pages by 6/27/06;

Exhibit 5

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSJOAN CHARLES,
Plaintiff,

v.

OCWEN FEDERAL BANK FSB;
OCWEN FINANCIAL CORPORATION;
MASSACHUSETTS PROPERTY
INSURANCE UNDERWRITERS
ASSOCIATION; and ONE CALL
INSURANCE AGENCY,
INCORPORATED,
Defendants.

CIVIL ACTION NO. 04-11625-RWZ

NOTICE OF TAKING DEPOSITIONTO: James E. Hoyt
Portnoy and Green, P.C.
687 Highland Avenue
Needham, MA 02494

Please take note that at **10:00 a.m. on Friday, June 30, 2006**, Michienzie & Sawin, LLC, counsel for Ocwen Loan Servicing, LLC, successor-in-interest to Ocwen Federal Bank, FSB and counsel for Ocwen Financial Corporation will take the deposition upon oral examination of plaintiff Joan Charles at the offices of Michienzie & Sawin, LLC, 745 Boylston Street, Boston, Massachusetts 02116, pursuant to the Federal Rules of Civil Procedure for the United States District Courts, before a Notary Public of the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The oral examination will continue from day-to-day until completed.

You are invited to attend and cross-examine.

Respectfully submitted,

OCWEN LOAN SERVICING, LLC,
SUCCESSOR-IN-INTEREST TO OCWEN
FEDERAL BANK, FSB AND OCWEN
FINANCIAL CORPORATION,

By its attorneys,

MICHENZIE & SAWIN, LLC,

RC Demerle

Richard C. Demerle, Esq. (BBO#652242)
Paul Michienzie, Esq. (BBO#548701)
745 Boylston Street
Boston, MA 02116-2636
(617) 227-5660

DATE: June 22, 2006

CERTIFICATE OF SERVICE

I, Richard C. Demerle, attorney for defendant, hereby certify that I have on this 22nd day of June 2006, served a copy of the foregoing document, by facsimile and by first-class mail, postage prepaid, to all counsel of record.



Richard C. Demerle

Exhibit 6

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOAN CHARLES, Plaintiff, v. OCWEN FEDERAL BANK FSB; OCWEN FINANCIAL CORPORATION; MASSACHUSETTS PROPERTY INSURANCE UNDERWRITERS ASSOCIATION; and ONE CALL INSURANCE AGENCY, INCORPORATED, Defendants.	CIVIL ACTION NO. 04-11625-RWZ
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**MOTION OF OCWEN LOAN SERVICING, LLC
TO EXTEND DEADLINES**

NOW COMES Ocwen Loan Servicing, LLC, successor-in-interest to Ocwen Federal Bank, FSB ("Ocwen"), and respectfully moves this Court to extend by two (2) weeks the relevant deadlines in this Court's scheduling order, dated May 22, 2006. In support of its motion, Ocwen states as follows:

1. Plaintiff Joan Charles ("Plaintiff") commenced this action on or about July 21, 2004, following a fire that damaged certain real property known and numbered as 14 Ditson Street, Dorchester, Massachusetts (the "Property").
2. By first-class U.S. mail, Ocwen served Plaintiff's counsel, James Hoyt of Portnoy and Green, P.C., with *First Interrogatories to Plaintiff Joan Charles* and with *First Request for Production of Documents to Plaintiff Joan Charles* (the "Discovery Requests"). Ocwen served the Discovery Requests on May 12, 2006. *See Affidavit in Support of*

Motion of Ocwen Loan Servicing, LLC to Extend Deadlines, attached as Exhibit A (the “Affidavit”), ¶ 2.

3. Under the Federal Rules of Civil Procedure, the Plaintiff was required to respond no later than Wednesday, June 14, 2006.

4. On May 22, 2006, following the Court’s sixth scheduling conference, the Court issued a scheduling order (the “Order”). In the Order, the Court set the following deadlines:

- a. Plaintiff to file motion for summary judgment by June 1, 2006.
- b. Defendants to file their oppositions and any cross-motions for summary judgment by June 22, 2006.
- c. Plaintiff to file opposition to cross-motions for summary judgment by July 13, 2006.
- d. Defendants’ reply to Plaintiffs’ opposition to cross-motions for summary judgment to be filed no later than July 27, 2006.
- e. Court to hear oral argument on August 8, 2006.

5. The Plaintiff filed her motion for partial summary judgment on June 1, 2006.

6. On June 12, 2006, Ocwen served the Plaintiff by facsimile and first-class mail a notice of taking deposition for Monday, June 19, 2006. See Affidavit, ¶ 3.

7. Plaintiff failed to respond to the Discovery Requests by the June 14, 2006 deadline.

8. By letter dated June 15, 2006 and sent by facsimile and first-class mail to Plaintiff's counsel, counsel for Ocwen reminded Plaintiff's counsel that the Discovery Responses were due on June 14, 2006. *See Affidavit, ¶ 4.* Ocwen's counsel asked for a discovery conference. Plaintiff's counsel did not respond to this request.

9. By letter dated June 16, 2006 and sent by facsimile and first-class mail to Plaintiff's counsel, counsel for Ocwen again reminded Plaintiff's counsel that the Discovery Responses were due on June 14, 2006. *See Affidavit, ¶ 5.* Ocwen's counsel asked for a discovery conference. Plaintiff's counsel did not respond to this request.

10. Also on June 16, 2006, Ocwen's counsel called the office of Plaintiff's counsel twice. Ocwen's counsel left a voicemail message with Plaintiff's counsel and Ocwen left a message with "Sarah," the administrative assistant for the office of Plaintiff's counsel, asking Plaintiff's counsel to call Ocwen's counsel for a discovery conference to discuss the Discovery Requests. Plaintiff's counsel did not respond to this request. *See Affidavit, ¶ 6.*

11. Finally, by a second letter dated June 16, 2006 and sent by facsimile and first-class mail, Ocwen's counsel informed Plaintiff's counsel that, if Plaintiff's counsel failed to produce his client's responses to the Discovery Requests by 4 p.m. on Friday, July 16, 2006, Ocwen's counsel would reschedule the deposition scheduled for Monday, June 19, 2006, move to extend the deadlines in this matter and move to compel discovery. *Affidavit, ¶ 7.*

12. As of 4 p.m. on Friday, June 16, 2006, Plaintiff's counsel still had not responded to the five attempts Ocwen's counsel had made to have a discovery

conference with him. *Affidavit*, ¶ 8. An assistant from Plaintiff's counsel's office named "Rebecca" called Ocwen's counsel at 3:54 p.m. on Friday, June 16, 2006 to offer an unsigned copy of Plaintiff's response to Ocwen's *First Interrogatories to Joan Charles*. Ocwen's counsel stated that this offer did not comply with the federal rules of civil procedure. *Affidavit*, ¶ 9.

13. Plaintiff's failure to respond to the Discovery Requests negatively impacts Ocwen's ability to oppose Plaintiff's motion for partial summary judgment as well as Ocwen's ability to draft and file its own motion for summary judgment.

WHEREFORE, Ocwen Loan Servicing, LLC, successor-in-interest to Ocwen Federal Bank, FSB, respectfully moves this Court to extend the relevant deadlines in its scheduling order of May 22, 2006 by two (2) weeks.

Respectfully submitted,

OCWEN LOAN SERVICING, LLC,
SUCCESSOR-IN-INTEREST TO OCWEN
FEDERAL BANK, FSB AND OCWEN
FINANCIAL CORPORATION,

By its attorneys,

MICHIENZIE & SAWIN, LLC,



Richard C. Demerle, Esq. (BBO#652242)
Paul Michienzie, Esq. (BBO#548701)
745 Boylston Street
Boston, MA 02116-2636
(617) 227-5660

DATE: June 16, 2006

CERTIFICATE OF SERVICE

I, Richard C. Demerle, attorney for defendant, hereby certify that I have on this 16th day of June 2006, served a copy of the foregoing document, by first-class mail, postage prepaid, to all counsel of record.


Richard C. Demerle

Exhibit A

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOAN CHARLES, Plaintiff, v. OCWEN FEDERAL BANK FSB; OCWEN FINANCIAL CORPORATION; MASSACHUSETTS PROPERTY INSURANCE UNDERWRITERS ASSOCIATION; and ONE CALL INSURANCE AGENCY, INCORPORATED, Defendants.	CIVIL ACTION NO. 04-11625-RWZ
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**AFFIDAVIT IN SUPPORT OF MOTION OF
OCWEN LOAN SERVICING, LLC
TO EXTEND DEADLINES**

I, Richard C. Demerle, hereby declare under oath as follows:

1. I am currently an associate at the law firm of Michienzie & Sawin, LLC, 745 Boylston Street, Boston, MA 02116-2636, which law firm represents defendants Ocwen Loan Servicing, LLC, successor-in-interest to Ocwen Federal Bank, FSB and Ocwen Financial Corporation in the above-captioned action. I have personal knowledge of the facts set forth herein and, if sworn to testify, could competently testify thereto.
2. On May 12, 2006, I served by first-class mail on behalf of Ocwen Loan Servicing, LLC, successor-in-interest to Ocwen Federal Bank, FSB ("Ocwen"), *First Interrogatories to Plaintiff Joan Charles* and with *First Request for Production of Documents to Plaintiff Joan Charles* (the "Discovery Requests") on counsel for plaintiff Joan Charles.
3. On June 12, 2006, I served by facsimile and first-class mail on James Hoyt, counsel for plaintiff Joan Charles, a notice of taking deposition for his client for Monday, June 19, 2006.

4. By letter dated June 15, 2006 and sent by facsimile and first-class mail, I informed Attorney Hoyt that his client's responses to the Discovery Requests were due by June 14, 2006 and I asked him to contact me to discuss his client's responses to the Discovery Requests. Attorney Hoyt did not respond to this request.
5. By letter dated June 16, 2006 and sent by facsimile and first-class mail, I again informed Attorney Hoyt that his client's responses to the Discovery Requests were due by June 14, 2006 and I asked him to contact me to discuss his client's responses to the Discovery Requests. Attorney Hoyt did not respond to this request.
6. I called Attorney Hoyt's office twice on June 16, 2006 - the first time, leaving a voicemail message for him asking him to call me, the second time speaking with his office's assistant, Sarah. Attorney Hoyt did not respond to these requests.
7. By letter dated June 16, 2006 and sent by facsimile and first-class mail, I informed Attorney Hoyt that if I did not receive his client's responses to the Discovery Requests by 4 p.m. on June 16, 2006, that I would reschedule the deposition of his client scheduled for Monday, June 19, 2006, file a motion to extend the deadlines in the Court's scheduling order and move to compel answers from his client to the Discovery Requests.
8. As of 4 p.m. on Friday, June 16, 2006, I had not received the Plaintiff's responses to the Discovery Requests that were due on June 14, 2006.
9. An assistant from Plaintiff's counsel's office named "Rebecca" called Ocwen's counsel at 3:54 p.m. on Friday, June 16, 2006 to offer an unsigned copy of Plaintiff's response to Ocwen's *First Interrogatories to Joan Charles*. Ocwen's counsel stated that this offer did not comply with the federal rules of civil procedure.

Signed under the pains and penalties of perjury this 16th day of June 2006.



Richard C. Demerle (BBO#652242)

Exhibit 7

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTSJOAN CHARLES,
Plaintiff,

v.

OCWEN FEDERAL BANK FSB;
OCWEN FINANCIAL CORPORATION;
MASSACHUSETTS PROPERTY
INSURANCE UNDERWRITERS
ASSOCIATION; and ONE CALL
INSURANCE AGENCY,
INCORPORATED,
Defendants.

CIVIL ACTION NO. 04-11625-RWZ

NOTICE OF TAKING DEPOSITIONTO: James E. Hoyt
Portnoy and Green, P.C.
687 Highland Avenue
Needham, MA 02494

Please take note that at 10:00 a.m. on Thursday, July 27, 2006, Michienzie & Sawin, LLC, counsel for Ocwen Loan Servicing, LLC, successor-in-interest to Ocwen Federal Bank, FSB and counsel for Ocwen Financial Corporation will take the deposition upon oral examination of plaintiff Joan Charles at the offices of Michienzie & Sawin, LLC, 745 Boylston Street, Boston, Massachusetts 02116, pursuant to the Federal Rules of Civil Procedure for the United States District Courts, before a Notary Public of the Commonwealth of Massachusetts, or before some other officer authorized by law to administer oaths. The oral examination will continue from day-to-day until completed.

You are invited to attend and cross-examine.

Respectfully submitted,

OCWEN LOAN SERVICING, LLC,
SUCCESSOR-IN-INTEREST TO OCWEN
FEDERAL BANK, FSB AND OCWEN
FINANCIAL CORPORATION,

By its attorneys,

MICHENZIE & SAWIN, LLC,



Richard C. Demerle, Esq. (BBO#652242)
Paul Michienzie, Esq. (BBO#548701)
745 Boylston Street
Boston, MA 02116-2636
(617) 227-5660

DATE: July 18, 2006

CERTIFICATE OF SERVICE

I, Richard C. Demerle, attorney for defendant, hereby certify that I have on this 18th day of July 2006, served a copy of the foregoing document, by facsimile and by first-class mail, postage prepaid, to all counsel of record.

RC Demerle

Richard C. Demerle